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the at least one leg having a base portion at a second end of the leg and a
fluid conduit enabling fluid communication to and from the pot body at the first end and
being capable of absorbing fluid into the leg at the second end.

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REMARKS

Applicant has reviewed and considered the Office Action dated October 20, 2000. In response thereto, claim 15 is canceled, claim 8 is amended. As a result, claims 10, 11, and 20 are pending in the present application. Reconsideration of the present application is respectfully requested.

The reason to cancel the claim 15 is that fluid absorbing material is chose by user, it can be soil, wick, paper, sand, mulch and so on. So that the limitation should not be made in this patent application. The novelty of the present invention is the new structure of a pot.

The amendment filed August, 2000 is objected to under 35 U.S.C. 112. It is stated that "The single-piece pot" is not supported by the original specification and claims. Applicant respectfully traverses the rejection. The disclosure in abstract (on page 4, line 13, in original application): "Build legs into the pot and use them with plastic film or tray to reduce watering cost.....", and the features of the leg shown in Figure 1, provid the support for the objected material. But applicant reserved all rights to claim a pot having more than one piece.

The amendment filed August, 2000 is also objected to under 35 U.S.C. 102(b). It is stated that "as being clearly anticipated by Shackelford. Shackelford shows all the structure of the device as recited by the claims." Applicant has very carefully reviewed and compared both invention, and found that either structure, functions, or purposes are

all definitely different.

In structure, Shackelford does not claimed that anchor tubes having a base portion. meanwhile, Shackelford claimed "a plurality of tube wall apertures in each anchor tubes for permitting root growth from receptacle into the earth" (see column 6, line 14-16).

Shackelford mentioned ".....initial growth is to take place indoors it may be desirable to use anchor tubes having a closed lower end to prevent possible soil loss during

movement. in most cases, however, the lower tube ends should be open to facilitate their insertion into the soil and provide better access for soil fluids between the surrounding

and receptacle contained soil (see column 3, line 59-65). Thus, shackelford teaches away

from having a base portion of the leg at the second end of the leg as claimed in claim 8 in the present invention. Also, Shackelford does not mentioned a closed lower end having a

fluid conduit. In the present invention, the leg having a side wall (without apertures), a base portion, and the base portion having a fluid conduit to let fluid in and out of the leg.

The reference can be found in line 14-15, page 2, in original application. It said: " The legs are filled with soil. It is so that water can be absorbed by the soil from a plastic film or tray. This way the plant will not be damaged by water, water will never be lost, and hand watering is now unnecessary in greenhouses and nursery fields ."

Supposing the small circle labeled as 32 is not a fluid conduit, how can the fluid in a tray be absorbed by the soil that filled in the legs? Obviously, the small circle labeled as 32 is not a projection or groove, it is a fluid conduit in the base portion. A base portion may be

not necessary (this means the leg having side wall only) when the leg narrows

downward smaller enough to prevent soil loss (but fluid can still in and out of the leg).

Yet, the structure of the small circle labeled as 30 had been defined as water drain hole (also for air circulation) in original application (see Figure 1, page 5). however, all kind

of pot has drain hole(s) on the bottom wall of the pot.

The function of anchor tubes that Shackelford discloses is " for anchoring receptacle to the earth....." (see column 6, lines 11-12), and the function of apertures is " for permitting root growth from receptacle into the earth" (see column 6, lines 15-16) for ".....seeking soil moisture and oxygen". Shackelford mentioned: " whatever method of initial plant starting is utilized, the immediately surrounding soil within the receptacle tends to become compact as the plants mature and roots are sent out which find their way through the anchor tube apertures seeking soil moisture and oxygen" (see column 3, lines 33-37). Supposing receptacle sits in a tray without soil surrounded anchors, where do the roots seek soil moisture while roots are sent out of anchor tube apertures? It is clearly that receptacle has to be inserted into earth. Otherwise, the receptacle is the same with a regular pot when it sits in a tray, and people must watering plants from time to time as Shackelford mentioned: "During the early stages of growth it may be desirable to add water from time to time....."(see column 3, lines 15-16). In the present invention, the leg which filled with fluid absorbing material having a base portion at a second end of the leg and a fluid conduit enabling fluid communication to and from the pot body at the first end and being capable of absorbing fluid into the leg at second end.

In purposes, Shackelford discloses " the novel receptacles are, in effect, miniature hothouses" (column 2, lines 16-17). Shackelford also discloses " The invention relates to an improved method and apparatus for producing aesthetically pleasing planting arrangements and, more particularly, outdoor flower arrangements. The practice of the invention also provides a decorative, protective housing for germinating seeds, a protective barrier for the resultant young plants and makes possible an earlier flowering....." (column 1, lines 31-37). The legged pot of the present invention is a self


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watering system. The legged pot is used with tray or plastic film which hold fluid for automatically watering plant by itself and prevent roots damage by fluid.

Obviously, either structure, functions, or purposes of the present invention are all different with shackelford's invention. thus, it is believed that claim 8 is not anticipated by Shackelford. Therefore, Applicant respectfully submits that claim 8 patentably distinguishes over sfackelford. Claims 10, 11, and 20, which are dependent from claim 8, are also patentable. withdrawal of this rejection is respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration of the present application and favorable response are respectfully requested.

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Respectfully submitted,


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